

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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GABINO GENAO,

Plaintiff,

-against-

20 **CIVIL** 2441 (LJL)

**JUDGMENT**

THE CITY OF NEW YORK, WARDEN SHARLISA  
WALKER, SONYA FREEMAN, KATHLEEN  
SANDS, OMAR SMITH, ALONSO MORGAN,  
CORRECTION OFFICER KNEPPLE, AND  
MELISSA RODRIGUEZ,

Defendants.  
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion & Order dated May 25, 2021, defendants' motion to dismiss is GRANTED. Because the Second Circuit has made clear that district courts "should not dismiss without granting leave to amend at least once when a liberal reading of the complaint gives any indication that a valid claim might be stated," *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000) (quoting *Gomez v. USAA Fed. Savings Bank*, 171 F.3d 794, 795 (2d Cir. 1999)), the Plaintiff was granted sixty (60) days, until July 25, 2021, to file an amended complaint with allegations that support his constitutional claims. Plaintiff has failed to file a timely amended complaint. The Court certifies under 28 U.S.C. § 1915(a)(3) that an appeal from the order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal; accordingly, the case is closed.

**Dated:** New York, New York

August 11, 2021

**RUBY J. KRAJICK**

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Clerk of Court

BY:

*K Morgan*  
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Deputy Clerk